



LEGISLATURE

# MINUTES

## SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Monday, March 11, 2019 | 7:30 a.m. | 250 State Capitol

### Members Present:

Sen. Todd Weiler, Chair  
Sen. Kirk A. Cullimore  
Sen. Luz Escamilla  
Sen. Daniel Hemmert  
Sen. Lyle W. Hillyard

Sen. Derek L. Kitchen  
Sen. Ann Millner  
Sen. Daniel W. Thatcher

### Staff Present:

Mr. John Feinauer, Policy Analyst  
Ms. Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Sen. Weiler presented the bill.

Chair Weiler called the meeting to order at 7:34 a.m.

**MOTION:** Sen. Hillyard moved to approve the minutes of the March 7, 2019 meeting. The motion passed with a vote of 3 - 0 - 5.

### Yeas-3

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. T. Weiler

### Nays-0

### Absent-5

Sen. L. Escamilla  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher

## 1 . S.B. 235 Executive Branch Ethics Commission Amendments (*Bramble, C.*)

Sen. Bramble presented the bill.

**MOTION:** Sen. Hillyard moved to amend S.B. 235 with Amendment #2. The motion passed with a vote of 3 - 0 - 5.

### Amendment 2 S.B. 235

1. Page 1, Line 14:  
14 official {~~is entitled to~~} may request payment, by the state, of reasonable attorney fees and costs for
2. Page 2, Lines 31 through 38:  
31 (2) A respondent:  
32 (a) may, but is not required to, retain legal representation during the complaint review  
33 process; and  
34 (b) except as provided in Subsection (3), is responsible for payment of the respondent's  
35 attorney fees and costs incurred.  
36 (3) (a) If the commission determines that all allegations in the complaint are without merit,  
37 the respondent {~~is entitled to payment, by the state,~~} may file a request with the Executive Appropriations  
38 Committee of the Legislature for the payment of reasonable attorney fees and costs for  
38 legal representation during the complaint review process.  
(b) If the Executive Appropriations Committee of the Legislature receives a request described in Subsection (3)(a),  
the Legislature may appropriate money to reimburse the respondent for some or all of the reasonable attorney fees  
and costs described in Subsection (3)(a).



Yeas-3

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. T. Weiler

Nays-0

Absent-5

Sen. L. Escamilla  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher

**MOTION:** Sen. Hillyard moved to pass S.B. 235 out favorably. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. T. Weiler

Nays-0

Absent-5

Sen. L. Escamilla  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher

**2 . S.B. 254 Uniform Fiduciary Income and Principal Act (*Hillyard, L.*)**

Sen. Hillyard presented the bill.

**MOTION:** Sen. Hillyard moved to pass S.B. 254 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**3 . H.B. 423 Disaster Recovery Fund Amendments (*Ferry, J.*)**

Rep. Ferry presented the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 423 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. A. Millner  
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. D. Thatcher

**4 . 1st Sub. H.B. 330 Juvenile Justice Competency Revisions (*Hawkins, J.*)**

Rep. Hawkins presented the bill.

Ms. Amanda Alkema, Juvenile Competency Program Administrator, Department of Human Services, spoke to the bill.

Mr. Mike Drechsel, Association General Counsel, Administrative Office of the Courts, spoke to the bill.

Mr. William Carlson, Chief Policy Analyst, Office of the Salt Lake County District Attorney, spoke in favor of the bill.

Ms. Pamela Vickrey, Executive Director, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass 1st Substitute H.B. 330 out favorably. The motion passed with a vote of 6 - 0 - 2.



Yeas-6

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. L. Escamilla  
Sen. D. Hemmert

**5 . H.B. 384 Search and Rescue Amendments (*Albrecht, C.*)**

Rep. Albrecht presented the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 384 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. L. Escamilla  
Sen. D. Hemmert

**6 . 1st Sub. H.B. 278 Court Reporter Amendments (*Knotwell, J.*)**

Rep. Knotwell presented the bill.

**MOTION:** Sen. Thatcher moved to amend 1st Substitute H.B. 278 with Amendment #1. The motion passed with a vote of 7 - 0 - 1.

Amendment 1  
1st Sub. H.B. 278

1. Page 4, Lines 109 through 111:

109 (2) Each [licensee] applicant shall, at the time of applying for renewal, demonstrate  
110 compliance with continuing education requirements established by the division {-in collaboration  
111 with the board-}.

Yeas-7

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. D. Hemmert

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 278 out favorably. The motion passed with a vote of 7 - 0 - 1.



Yeas-7

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. D. Hemmert

**7 . 3rd Sub. H.B. 388 Abusive Conduct Reporting Amendments (*Stratton, K.*)**

Rep. Stratton presented the bill.

Ms. Jacey Skinner, Attorney, spoke in favor of the bill.

Ms. Denise Halverson, Utah Healthy Workplace Advocates, spoke in favor of the bill.

Mr. Todd Losser, Executive Director, Utah Public Employees Association, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to pass 3rd Substitute H.B. 388 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. K. Cullimore  
Sen. D. Hemmert

**8 . H.B. 335 Criminal Code Task Force Changes (*Ray, P.*)**

Rep. Ray presented the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 335 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. K. Cullimore  
Sen. D. Hemmert

**9 . 1st Sub. H.B. 396 Lewdness Statute Modification (*Brooks, W.*)**

Rep. Brooks presented the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 396 out favorably. The motion passed with a vote of 5 - 0 - 3.



Yeas-5

Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Hemmert

**10 . 2nd Sub. H.B. 431 Expungement Act Amendments (*Hutchings, E.*)**

Sen. Thatcher presented the bill.

Mr. Stan Rasmussen, Sutherland Institute, spoke in favor of the bill.

Mr. Val Schupe, Executive Director, Utah Chiefs of Police Association, spoke in favor of the bill.

Ms. Marina Lowe, Legislative Council, ACLU Utah, spoke in favor of the bill.

Ms. Noella Sudbury, Senior Policy Advisor on Criminal Justice, Salt Lake County Mayor's Office, spoke in favor of the bill.

Mr. William Carlson, Chief Policy Analyst, Office of the Salt Lake County District Attorney, spoke in favor of the bill.

Rep. Hutchings followed with a short presentation of the bill.

**MOTION:** Sen. Thatcher moved to pass 2nd Substitute H.B. 431 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Hemmert

**11 . H.B. 301 Board of Pardons and Parole Amendments (*Hutchings, E.*)**

Rep. Hutchings presented the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 301 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Hemmert

**12 . 1st Sub. H.B. 440 Commission on Criminal and Juvenile Justice Amendments (*Hutchings, E.*)**

Rep. Hutchings presented the bill.

Ms. Kim Cordova, Executive Director, Commission on Criminal and Juvenile Justice, spoke in favor of the bill.

[HB440handout - CCJJ Members](#)

Mr. William Carlson, Chief Policy Analyst, Office of the Salt Lake County District Attorney, spoke in favor of the bill.

Ms. Pamela Vickery, Executive Director, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

Mr. Kim Cordova, Executive Director, Commission on Criminal and Juvenile Justice, spoke to the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 440 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. K. Cullimore  
Sen. D. Hemmert

**13 . 1st Sub. H.B. 313 Hit and Run Amendments (*Eliason, S.*)**

Rep. Eliason presented the bill.

Mr. Marshall Thompson, Director, Utah Sentencing Commission, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 313 out favorably. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. D. Hemmert

**14 . 1st Sub. H.B. 430 Prohibition of Genital Mutilation (*Ivory, K.*)**

[HB430handout - Prohibition of Genital Mutilation](#)

Rep. Ivory presented the bill.

Mr. William Carlson, Chief Policy Analyst, Office of the Salt Lake County District Attorney, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass 1st Substitute H.B. 430 out favorably. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. D. Hemmert

**15 . 1st Sub. H.B. 400 Murder Mitigation Amendments (*Stoddard, A.*)**



Rep. Stoddard presented the bill with the assistance of Mr. William Haines, Assistant Solicitor General, Attorney General's Office.

Mr. Marshall Thompson, Director, Utah Sentencing Commission, spoke to the bill.

Mr. Jeff Buhman, Statewide Association of Public Attorneys and Prosecutors, spoke in favor of the bill.

**MOTION:** Sen. Kitchen moved to pass 1st Substitute H.B. 400 out favorably. The motion passed with a vote of 4 - 3 - 1.

Yeas-4

Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-3

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. A. Millner

Absent-1

Sen. L. Hillyard

Sen. Thatcher assumed the chair.

**16 . S.B. 261 Human Trafficking Prevention Education (*Weiler, T.*)**

Sen. Weiler presented the bill.

**MOTION:** Sen. Weiler moved to amend S.B. 261 with Amendment #1. The motion passed with a vote of 6 - 0 - 2.

Amendment 1  
S.B. 261

1. Page 5, Lines 132 through 134:

132 may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values  
133 and qualities of character referenced in ~~{this}~~ Subsection (7).  
134 (e) In accordance with the provisions of Subsection (5)(c), professional development

Yeas-6

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. L. Hillyard

Mr. Jeff Van Hulten, Policy Adviser, Utah State Board of Education, spoke to the bill.

Mr. Daniel Strong, Assistant Attorney General, Attorney General's Office, spoke in favor of the bill.

**MOTION:** Sen. Weiler moved to pass S.B. 261 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. L. Hillyard

**17 . 1st Sub. H.B. 414 Restitution Reporting (*Pitcher, S.*)**



Sen. Weiler presented the bill.

Mr. Adam Trupp, Utah Association of Counties, spoke to the bill.

Mr. David Walsh, Deputy Director, Commission on Criminal and Juvenile Justice, spoke to the bill.

**MOTION:** Sen. Weiler moved to pass 1st Substitute H.B. 414 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. A. Millner  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. L. Escamilla  
Sen. D. Hemmert

**MOTION:** Sen. Weiler moved to adjourn. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Hillyard  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. L. Escamilla  
Sen. D. Hemmert  
Sen. A. Millner

Acting Chair Thatcher adjourned the meeting at 9:30 a.m.